

1 STEPHEN B. RUBEN (CSB#160034)  
2 Certified Family Law Specialist  
3 THE RUBEN LAW FIRM  
4 625 Market Street, Penthouse  
5 San Francisco, CA 94105  
6 Telephone: (415) 399-6830  
7 Facsimile: (415) 391-0140  
8 sruben@rubenlawfirm.com

9 Attorneys for Petitioner  
10 Thomas Guiseppe Miccio

11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE DISTRICT OF NORTHERN CALIFORNIA  
13 SITTING AS A TREATY TRIBUNAL UNDER  
14 ARTICLE III SECTION 2 OF THE UNITED STATES CONSTITUTION  
15 CONCURRENT JURISDICTION CONFERRED BY 42 U.S.C. 11601 ET SEQ.

16 In re the Matter of:

17 Thomas Guiseppe Miccio,

18 Petitioner,  
19 and

20 Tania Darlene Miccio,

21 Respondent.

) Case No. CV-10-3976 EMC

)  
) **STIPULATION AND ORDER TO**  
) **EXTEND DISCOVERY CUTOFF**

22 THE CONVENTION ON THE CIVIL ASPECTS  
23 OF INTERNATIONAL CHILD ABDUCTION,  
24 DONE AT THE HAGUE ON 25 OCT. 1980 [THE CONVENTION]

25 -----  
26 INTERNATIONAL CHILD ABDUCTION REMEDIES ACT  
27 42 U.S.C. 11601 et seq.

1 WHEREAS, Thomas Miccio (Petitioner) by and through and his attorney, Stephen B.  
2 Ruben, and Tania Miccio (Respondent) by and through her attorney, Brent Seymour, wish to  
3 extend the discovery cutoff date, which is currently set for May 5, 2011, to May 10, 2011.  
4

5 The reasons for the extension are as follows:

- 6 1. Petitioner's counsel is unavailable from April 4 through April 18.
- 7 2. Respondent's counsel is unavailable from April 8 through April 22.
- 8 3. On April 1, Petitioner amended his witness list to name additional witnesses in Denmark  
9 and one in Sacramento.
- 10 4. Petitioner subpoenaed Respondent's witnesses for depositions inadvertently set during  
11 Respondent's counsel's noticed period of unavailability.
- 12 5. Both parties wish to depose the other parties' named witnesses. Given counsels'  
13 unavailability, it will not be possible to do so before the discovery cut-off date.
- 14 6. The ENE conference is set for April 25. The party depositions are set for April 27. The  
15 witness depositions should occur after the ENE conference. If the parties were to settle, it would  
16 make the depositions unnecessary.

17 THEREFORE, THE PARTIES, BY AND THROUGH THEIR COUNSEL, STIPULATE AS  
18 FOLLOWS:

- 19 1. The discovery cutoff date is extended to May 10, 2011.
  - 20 2. The deposition subpoenas issued by Petitioner's counsel are withdrawn.
  - 21 3. Each party shall make his or her witnesses available for deposition without the necessity  
22 of subpoena. Witnesses in Denmark shall be made available for deposition by telephone, with  
23 the oath administered by the court reporter in California. Counsel shall co-operate to set the  
24 dates and times of the depositions during the period from May 3 through May 10.
- 25  
26  
27  
28

1 DATED: April 4, 2011

THE RUBEN LAW FIRM

2  
3  
4 By: Stephen B. Ruben

Stephen B. Ruben  
Attorney for Petitioner

5  
6  
7 DATED: April 4, 2011

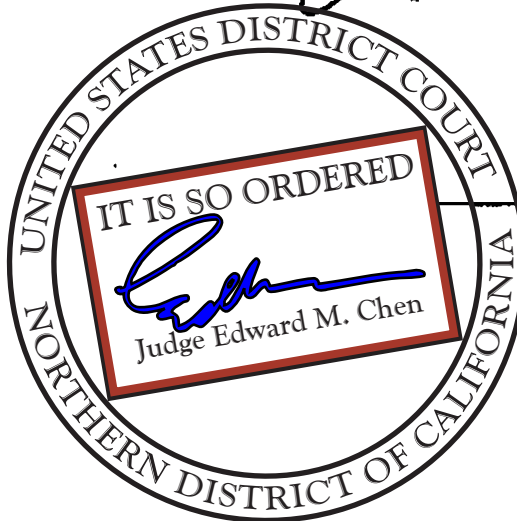
THORN•SEYMOUR•MEHMET

8  
9 By: Brent Seymour

Brent Seymour  
Attorney for Respondent

10  
11  
12 IT IS SO ORDERED:

13  
14 DATED: 4/6/11



**PROOF OF SERVICE**  
**(C.C.P. §1013a(3))**

I am a citizen of the United States and employed in the County of San Francisco, State of California. I am over the age of 18 years and not a party to the within action; my business address is 625 Market Street, Penthouse, San Francisco, California 94105.

On April 4, 2011, I served the following documents:

**— STIPULATION & ORDER TO EXTEND DISCOVERY CUTOFF**

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed to each as follows:

<i><b>NAME</b></i>	<i><b>EMAIL ADDRESS</b></i>
Brent D. Seymour	Thorn-Seymour-Mehmet 1242 Market Street, Fifth Floor San Francisco, CA 94102

☒ **BY MAIL:** I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. I know that the correspondence is deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed and, with postage thereon fully prepaid, placed for collection and mailing on this date, following ordinary business practices, in the United States mail at San Francisco, California.

☐ **BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand to the above address(es).

☐ **BY FEDERAL EXPRESS:** I caused a true copy thereof to be delivered via Federal Express to the person(s) at the address(es) set forth above.

☐ **BY FACSIMILE:** I caused transmittal of a true copy thereof, pursuant to C.R.C. Rule 2008, via facsimile transmission to the facsimile telephone number referenced at the address set forth above. The transmission was reported as complete and without error.

Executed on April 4, 2011, at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
 \_\_\_\_\_  
 Evelisse Ochoa